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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,662	03/09/2001	Lisa M. Guerra	BVOC011	7528
28875	7590	04/18/2006	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			LERNER, MARTIN	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/802,662

Applicant(s)

GUERRA ET AL

Examiner

Martin Lerner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 7, 9 to 10, 12 to 16, 20, and 22 to 28 are is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 9 to 10, 12 to 16, 20, and 22 to 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7, 9, 10, 12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Uppaluru* ('806) in view of *Tsumpes*.

Concerning independent claims 1 and 16, *Uppaluru* ('806) discloses a method, system, and computer program for a voice portal, comprising:

“conducting a session with a user utilizing a speech recognition portal, wherein access to a network is provided during the session via the speech recognition portal” – a subscriber initiates access 601 during login processing 602 with a login agent (column 15, lines 40 to 66; Figure 6: Steps 601 and 602); implicitly, login involves a “session”; personal voice web 300 uses conventional speaker recognition of discrete speech (“a speech recognition portal”);

“receiving utterances from the user during the session via the speech recognition portal” – discrete speech is received and samples are digitized (column 17, lines 16 to 30);

“performing a speech recognition process on the utterances to interpret the utterances” – digitized speech samples are recognized as phonemes (column 17, lines 16 to 30);

“dynamically configuring one or more aspects of the speech recognition portal during the session” – when a service is requested by a subscriber, an agent retrieves corresponding voice web attributes and preferences page; if a subscriber is accessing the weather service page, the agent automatically fills in the subscriber’s home town and chosen cities automatically (column 19, lines 13 to 30);

“monitoring the speech recognition portal during the session to ascertain user preferences of the one or more aspects of the speech recognition portion, and storing the user preferences in a memory” – personal attributes and preferences page 308 includes subscriber attribute information (column 13, line 31 to column 14, line 6);

“wherein the user preferences are retrieved from the memory upon initiation of a subsequent session with the user utilizing the speech recognition portal” – a personal voice web service agent uses a corresponding service profile agent to retrieve subscriber and service specific attributes and preferences, speech training profiles and other information from a corresponding service profile database (column 14, lines 16 to 26);

“wherein at least one aspect of the speech recognition portal is initially configured based on the retrieved user preferences” – a personal voice web service agent uses a corresponding service profile agent to retrieve subscriber and service specific attributes and preferences, speech training profiles and other information from a corresponding

service profile database (column 14, lines 16 to 26); at least speech training profiles are “initially configured” for a specific user for speaker dependent recognition;

“wherein the one or more aspects of the speech recognition portal are dynamically configured based on at least one of the interpreted utterances of the user” – a subscriber requests a service such as a weather service page or a stock portfolio page, and the agent retrieves the subscriber’s attributes and preferences, e.g. the subscriber’s home town or chosen portfolio of stocks (column 19, lines 13 to 30); thus, a voice web page is “dynamically configured” based on a subscriber’s spoken requests for a service;

“wherein the one or more aspects of the speech recognition portal are dynamically configured based on characteristics of the user” – personal attributes page 308 includes subscriber attribute information including name, account number, address, telephone number and credit card numbers (column 13, lines 30 to 40); thus, a voice web page is “dynamically configured” based on a subscriber’s personal information (“characteristics of the user”);

“wherein the one or more aspects of the speech recognition portal include a set of applications presented in the speech recognition portal during the session” – applications include stocks, weather, calendar, address book etc. (column 13, lines 41 to 55: Figure 5);

“wherein the one or more aspects of the speech recognition portal include a set of commands available for use in the speech recognition portal” – each speech training

page 401-427 contains a set of command and control key words (column 17, lines 51 to 64);

“wherein the one or more aspects of the speech recognition portal include a set of verbal prompts used in the speech recognition portal” – HVML presentation includes voice prompts (column 8, lines 31 to 36).

Concerning independent claims 1 and 16, *Uppaluru* ('806) discloses a personal helpdesk page 304 (column 11, lines 33 to 35; column 12, lines 35 to 45; column 13, lines 20 to 22; column 13, lines 50 to 52), but omits only “wherein at least one alarm is provided for notifications based on alarm condition, the notifications being of type chosen from the group consisting of: a simple network management protocol (SNMP) . notification, a telephone notification, an electronic mail notification, a pager notification, a facsimile notification, a short message services notification, and a wireless application protocol (WAP) push notification; wherein the at least one alarm is managed including integrating the at least one alarm with a helpdesk system.” However, *Tsumpes* teaches an automatic subscriber notification system, where notification is triggered by a change in status of any sensing device or process including a sensor of an alarm system or event. The system enables automated simultaneous contact of one or more persons over a plurality of telephone and electronic communication channels via voice, pager, voice mail, fax, and email. (Column 2, Lines 33 to 50) *Tsumpes* discloses an automatic subscriber notification system for an interactive voice response (IVR) system or speech recognition device. (Column 10, Lines 24 to 29; Column 12, Lines 18 to 26) Objectives include permitting a system subscriber to preprogram and control a manner in which he

wishes to receive event specific notification services for use in any application. (Column 3, Lines 5 to 46) It would have been obvious to one having ordinary skill in the art to provide a feature of alarm notification based on alarm condition by telephone, electronic mail, pager, and facsimile as taught by *Tsumpes* for a personal helpdesk page of *Uppaluru* ('806) in order to permit a user to preprogram an alarm notification system as to a manner in which he desires to receive event notification.

Concerning claim 7, *Uppaluru* ('806) discloses a subscriber requests a service for a weather service page, and the agent retrieves the subscriber's attributes and preferences of a subscriber's home town ("based on a locale of the user") (column 19, lines 13 to 30).

Concerning claim 9, *Uppaluru* ('806) discloses personal attributes page 308 includes subscriber attribute information of credit card numbers (column 13, lines 30 to 40).

Concerning claim 10, *Uppaluru* ('806) discloses a subscriber requests a service for a stock portfolio page, and the agent retrieves the subscriber's attributes and preferences for a chosen portfolio of stocks ("based on purchases of stocks") (column 19, lines 13 to 30).

Concerning claim 12, *Uppaluru* ('806) discloses an agent automatically fills in a query form with appropriate default parameters obtained from a subscriber's attributes and preferences (column 19, lines 13 to 22); implicitly, filling in a form with a user's

preferences from a database is an example of at least one “back end process” communicating “via the network”.

Claims 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Uppaluru* ('806) in view of *Tsumpes*, and further in view of *Wookey et al.*

*Uppaluru* ('806) and *Tsumpes* omit “wherein a performance monitor provides a number of users simultaneously using at least one the applications and an uptime of the speech recognition portal.” However, *Wookey et al.* teaches remotely monitoring a computer system, where alerts are defined to focus on performance monitoring (column 14, lines 21 to 50), and an uptime test provides for local uptime and load averaging (column 5, lines 43 to 45: Table 1). The objective is to diagnose computer failures. (Column 1, Lines 35 to 63) It would have been obvious to one having ordinary skill in the art to remotely monitor a computer network for performance and uptime as taught by *Wookey et al.* in a universal voice access network of *Uppaluru* ('806) for the purpose of diagnosing computer network failures.

Claims 13 to 15, 23 to 25, and 27 to 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Uppaluru* ('806) in view of *Tsumpes* as applied to claims 1 and 7 above, and further in view of *Woods et al.*

Concerning claims 13 to 15, 23 to 25, and 27 to 28, *Uppaluru* ('806) discloses a system and method for providing universally accessible voice and speech data files, but omits details concerning configuring based on an ascertained gender of a user as male



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or female, changes by an authorized third party, input by a graphical interface, and providing a geographic locale from a request to a wireless carrier. However, *Woods et al.* teaches these features for a related method of voice access of the Internet for the purpose of obtaining information by a convenient and readily available means. (Column 1, Lines 45 to 54) It would have been obvious to one having ordinary skill in the art to provide the features as taught by *Woods et al.* in the system and method for providing universally accessible voice and speech data files of *Uppaluru ('806)* for the purpose of obtaining information from the Internet by a convenient and readily available means.

Concerning claim 13, *Woods et al.* discloses customer management subsystem 130 provides reporting on session and transaction history by different demographic segment, such as income bracket, gender, or age group (column 9, lines 15 to 21); advertising subsystem 120 coordinates activities related to the advertisements to be presented to the user during a communication system, where advertisements may be targeted to specific users (column 7, lines 19 to 29); thus, reporting on the gender of the user during a session relates to which advertisements are presented to the user.

Concerning claim 14, *Woods et al.* discloses a rule writer may develop a set of rules associated with voice portal 10; rule writers 1010 use data organizing tool 1025 to apply one of a multitude of possible forms to "pages" of information (column 16, line 39 to column 17, line 24: Figures 10 to 24); graphical user interfaces allow non-expert rule-writers to perform data searches and create forms of rules for information retrieval; once the forms are created, the forms can be frequently used to gather updated information (column 19, lines 50 to 62); in general, a rule writer is a "third party".

Concerning claim 15, *Woods et al.* discloses user interface 110 also uses keypad entry for accepting user input when advantageous to the user (column 6, lines 53 to 58: Figure 2); user interface 110 is a “graphical interface” for web pages 30 and 40 (column 6, lines 20 to 23: Figure 1).

Concerning claim 23, *Woods et al.* discloses a Most Commonly Used Location could be overridden by a current call location, if available (column 10, lines 20 to 22); additionally, a user interface platform may include WAP (wireless application protocol) (“a wireless carrier”) (column 6, lines 25 to 30); implicitly, a wireless application protocol (WAP) determines a current call location by sending a request to and receiving a response from a base station.

Concerning claim 24, *Woods et al.* discloses a Most Commonly Used Location could be overridden by a current call location, if available (column 10, lines 20 to 22).

Concerning claim 25, *Woods et al.* discloses customer management subsystem 130 provides reporting on session and transaction history by different demographic segment, such as income bracket, gender, or age group (column 9, lines 15 to 21); advertising subsystem 120 coordinates activities related to the advertisements to be presented to the user during a communication system, where advertisements may be targeted to specific users (column 7, lines 19 to 29); thus, reporting on the gender of the user during a session relates to which advertisements are presented to the user.

Concerning claim 27, *Woods et al.* discloses a rule writer may develop a set of rules associated with voice portal 10; rule writers 1010 use data organizing tool 1025 to apply one of a multitude of possible forms to “pages” of information (column 16, line 39

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to column 17, line 24: Figures 10 to 24); graphical user interfaces allow non-expert rule-writers to perform data searches and create forms of rules for information retrieval; once the forms are created, the forms can be frequently used to gather updated information (column 19, lines 50 to 62); in general, a rule writer is a "third party", and changing rules as to how information is displayed is equivalent to a "change of profile".

Concerning claim 28, *Woods et al.* discloses all of these applications (Figure 37).

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Uppaluru ('806)* in view of *Tsumpes*, and further in view of *Woods et al.* as applied to claims 1, 13, and 25 above, and further in view of *Kanevsky et al.*

*Woods et al.* discloses customer management subsystem 130 provides reporting on session and transaction history by different demographic segment, such as gender (column 9, lines 15 to 21), but omits determining gender utilizing automatic speech recognition (ASR) techniques based on at least one of tone and pitch of utterances from the user. However, it is well known that a gender of a user can be distinguished by pitch through speech recognition techniques. Specifically, *Kanevsky et al.* teaches conversational data mining, where a gender of a user can be determined by classifying the pitch of user's voice. (Column 4, Lines 5 to 14) An objective is to facilitate data mining to tailor a voice system response by an attribute including gender. (Column 1, Lines 5 to 37; Column 2, Lines 1 to 30) It would have been obvious to one having ordinary skill in the art to determine a gender of a user by automatic speech recognition (ASR) techniques as taught by *Kanevsky et al.* in the system and method for voice

access to Internet-based information of *Woods et al.* for the purpose of tailoring a voice system response in data mining.

### ***Response to Arguments***

Applicants' arguments filed 21 February 2006 have been considered but are moot in view of the new grounds of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

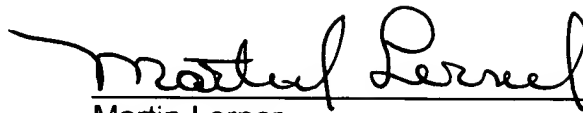
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML

4/11/06

A handwritten signature in black ink, reading "Martin Lerner". The signature is written in a cursive style with a horizontal line underneath the name.

Martin Lerner  
Examiner  
Group Art Unit 2626